

PODCAST ALLEGATIONS

The following is a list of allegations made in the podcast and from the VPM submitted documents regarding Mary Jane Burton (Burton) and others at the Bureau of Forensic Science (now the Department of Forensic Science):

ALLEGATIONS FROM VPM PODCAST PROVIDED DOCUMENTATION (CASE SPECIFIC)

- 75-10986 (“Cat” case): Three co-defendants could not be convicted on secretion evidence because Burton had not run tests to rule out non-human origin before further testing was done. Burton admitted in court that the secretions could have come from a cat. Test was available and should have been done.
- 76-09468 (“Deer” case): Evidence submitted with request to check for human blood. Burton skipped testing to rule out non-human origin. Evidence resubmitted six months later with request to identify if human blood. Burton issued a new report with different results, but there is no evidence of further testing on which to base any new report.
- 76-23383 (Inmate felonious assault case): Burton reported that it was not possible to type the suspect’s jeans in the ABO system, but on the worksheet jeans and control were Type A. Rh was done and not reported. The write up is confusing. Blood Type A CDce is consistent with the suspect and not the victim.
- 76-16982/76-T-3655 (Rape case): There are several allegations against Burton for this case, outlined in the additional document, “Review of VPM Podcast Provided Documentation.” The most notable allegation is a change of the reported serology results from Item 33 to implicate one of the co-defendants.
- 76-20619 (Fairfax homicide case): Lab reports and examiner’s record sheets show discrepancies, errors, and alterations of test results by Burton.

ALLEGATIONS FROM VPM PODCAST PERTAINING TO BURTON

- Burton testified at a trial observed by Regina Demas (Demas) that a hair originated from the defendant to the exclusion of all others.
- Burton did not run controls (further allegations that “hundreds of cases” had been found with no controls).
- Burton would not take the temperature of gels; she would just run it slowly down the test tube.
- Burton would make calls when the electrophoresis results were murky.
- Burton shredded her initial report typed by Shirley Patterson in the rape case (76-16982/76-T-3655) and made Patterson retype it.

- Burton used pencil for notes.
- Burton failed to conduct species testing.
- Burton worked on the weekends alone.
- Burton asked Demas to sign a chain of custody form, and when she refused, Burton forged her name on it.
- Pete Marone indicates that the laboratory would not seek accreditation while Burton was working there.
- Burton should have been fired by the agency in response to complaints made in 1976 and 1977.

ALLEGATIONS FROM VPM PODCAST PERTAINING TO THE EXONERATIONS

- Winston Scott exoneration: Burton's first round of testing excluded Scott. She reran the tests and reports that both the perpetrator and Scott are Type O secretors. Burton attributes her changes at trial to bacteria on the jeans.
- Willie Davidson exoneration: Burton overstates serology results at trial, indicating that 42% of the population would have been excluded when no one would have been excluded.
- Victor Burnette exoneration: Burton provided misleading testimony.
- Thomas Haynesworth exoneration: Haynesworth was told his blood type was B but at trial they said he was a Type O.
- Bennett Barbour exoneration: A blood test could have been run that might have excluded him, depending on the result.
- Arthur Whitfield exoneration: One victim believes that her jeans and the other victim's jeans were swapped by Burton (both rape cases occurred on the same night within close proximity to each other and were worked at the same time by Burton).
- Julius Ruffin exoneration: No allegations regarding Burton, but Ruffin's case is discussed extensively amid discussions of "errors compound[ing]." From the National Registry of Exonerations (NRE): Scientific testing on semen done at the trial was linked to a group that contained only 8% of all African American men. NRE indicates that mistaken witness ID was the contributing factor to the wrongful conviction.
- Earl Washington exoneration: Deanne Dabbs (Dabbs) changes her transferrin CD results to inconclusive after meeting with law enforcement to implicate Washington. A podcast reporter indicates that he cannot find the scientific journal articles that Dabbs referred to in the deposition for the civil case that caused her to reconsider her results from the testing.

ALLEGATIONS FROM VPM PODCAST PERTAINING TO PRIOR CASE REVIEWS/PROJECTS

- The Serology Review conducted by DFS was not transparent.
- About the Post-Conviction DNA Testing and Notification Project:
 - The Project should have offered DNA testing on all the cases where evidence was still in the file.
 - DFS used cheaper, less accurate DNA tests resulting in hundreds of cases with inconclusive results.
 - DFS wasted time running DNA on cases where the results would not have made a difference, which DFS might have known had they accepted help from the defense attorneys who were offering to assist pro bono from the beginning.
 - The Project was too focused on notifications and not on getting information out. It was not clear who was making decisions.
 - The Project did not ask what role serology played in the wrongful convictions.